

Exhibit 201

Plaintiffs' Corrected Averment of Jurisdictional Facts and
Evidence and/or Statement of Facts as to Defendant Al Rajhi Bank
Pursuant to Rule 56.1

UNITED STATES DISTRICT COURT		CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA v. SOHIEL OMAR KABIR, RALPH KENNETH DELEON, MIGUEL ALEJANDRO SANTANA VIDRIALES, and ARIFEEN DAVID GOJALI, DEFENDANTS.		DOCKET NO.	<div>FILED CLERK, U.S. DISTRICT COURT NOV 16 2012 CENTRAL DISTRICT OF CALIFORNIA BY 31M DEPUTY</div> ED 12-0431M
		MAGISTRATE'S CASE NO. 12-	
Complaint for Violation of Title 18, United States Code, Section 2339A: Conspiring to Provide Material Support and Resources to Terrorists			
NAME OF MAGISTRATE JUDGE HONORABLE SHERI PYM		UNITED STATES MAGISTRATE JUDGE	LOCATION Riverside, California
DATE OF OFFENSE August 2010 to Present	PLACE OF OFFENSE Riverside, San Bernardino, and Los Angeles Counties	ADDRESS OF ACCUSED (IF KNOWN)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: Beginning on or about August 2010 and continuing to the present, defendants SOHIEL OMAR KABIR, RALPH KENNETH DELEON, MIGUEL ALEJANDRO SANTANA VIDRIALES, and ARIFEEN DAVID GOJALI conspired to provide material support and resources, including but not limited to property, services, and personnel, including themselves, knowing and intending that they be used in preparation for, and in carrying out, crimes of terrorism in violation of Title 18, United States Code, Section 2339A.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint)			
MATERIAL WITNESSES IN RELATION TO THIS CHARGE:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT N.T. Elias /s/	
		OFFICIAL TITLE SPECIAL AGENT – Federal Bureau of Investigation	
Sworn to before me and subscribed in my presence,			
SIGNATURE OF MAGISTRATE JUDGE(1) SHERI PYM		DATE November 16, 2012	

1) See Federal Rules of Criminal Procedure rules 3 and 54.
(SJD, CDG, AWC) REC: Detention



TABLE OF CONTENTS

INTRODUCTION.....1

BACKGROUND INFORMATION.....4

SUMMARY OF THE EVIDENCE.....4

THE DEFENDANTS.....7

 Sohiel Omar KABIR.....7

 Ralph Kenneth DELEON.....7

 Miguel Alejandro SANTANA Vidriales.....8

 Arifeen David GOJALI.....8

RELEVANT GROUPS.....8

 AL-QA'IDA.....8

 THE TALIBAN.....9

SUMMARY OF THE FACTS.....9

DEFENDANTS' SOCIAL MEDIA.....15

DEFENDANTS' STATEMENTS TO THE CS.....19

SANTANA RENEWS HIS PASSPORT.....27

DELEON AND SANTANA DISCUSS JOINING TERRORIST GROUPS.....28

DEFENDANTS DISCUSS KABIR'S TRAVEL TO AFGHANISTAN.....31

DEFENDANTS DISCUSS TRAVELING TO AFGHANISTAN
TO JOIN KABIR.....34

DEFENDANTS GO TO A SHOOTING RANGE.....42

DEFENDANTS DISCUSS PLANS TO LEAVE THE UNITED STATES.....43

DEFENDANTS GO TO A SHOOTING RANGE A SECOND TIME.....46

DEFENDANTS GO TO A PAINTBALL FACILITY.....50

DELEON RECRUITS GOJALI TO JOIN THE PLOT.....53

DEFENDANTS GO TO A SHOOTING RANGE A THIRD TIME.....54

TABLE OF CONTENTS (CONT.)

DEFENDANTS PREPARE FOR THEIR DEPARTURE.....	55
DELEON GETS HIS PASSPORT AND SEARCHES ON-LINE FOR FLIGHTS.....	65
GOJALI GETS HIS PASSPORT.....	71
DELEON PURCHASES AIRLINE TICKETS.....	72
CONCLUSION.....	74

AFFIDAVIT

INTRODUCTION

I, N. T. Elias, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since January 23, 2005. Prior to being employed with the FBI, I was employed from July of 1998 through January of 2005 with the Washington State Patrol, first as a Trooper and then as a Detective. With the FBI, I have worked investigations involving organized crime, kidnapping, fugitives, bank robbery, drug trafficking, extortion, fraud, and terrorism. My current assignment with the FBI is in the Los Angeles Field Office, Riverside Resident Agency, assigned to the Joint Terrorism Task Force ("JTTF"). Since November of 2009, I have been assigned to work international terrorism. I have received specialized training in terrorism and weapons of mass destruction.

2. This affidavit is submitted for the purpose of establishing probable cause that beginning in approximately August 2010 and continuing through to the present, in various cities within the Central District of California, and elsewhere, SOHIEL OMAR KABIR ("KABIR"); RALPH DELEON, also known as ("aka") "Rafiq Abdul Raheem," aka "Ya Seen," aka "Ya Sin" ("DELEON"); MIGUEL SANTANA, aka "Muhammad Khalid Mikaeel Khattab"

("SANTANA"); and ARIFEEN DAVID GOJALI, aka "Arifeen Ghazali," aka "Arifeen Ghozali, aka "Arifeendavud Gojali" ("GOJALI") conspired to provide material support and resources, including but not limited to property, services, and personnel, including themselves, knowing and intending that they be used in preparation for, or in carrying out, crimes of terrorism, including conspiracy to kill, kidnap, maim, or injure persons and damage property in a foreign country in violation of Title 18, United States Code, Section 956; killing and attempting to kill officers and employees of the United States and agencies of the United States Government while such officers and employees are outside the United States in violation of Title 18, United States Code, Section 1114; killing nationals of the United States while such nationals are outside the United States in violation of Title 18, United States Code, Section 2332(b); conspiring to use a weapon of mass destruction outside the United States in violation of Title 18, United States Code, Section 2332a(b); and bombing places of public use and government facilities in violation of Title 18, United States Code, Section 2332f; all in violation of Title 18, United States Code, Section 2339A.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and

information obtained from various FBI agents, Task Force Officers, witnesses, reports, and other sources. This affidavit is intended to show merely that there is sufficient probable cause to support the requested arrest warrants and criminal complaint charging KABIR, DELEON, SANTANA, and GOJALI with violations of federal law. Accordingly, this affidavit does not purport to set forth all facts known to me or the FBI regarding this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.¹ Summaries of conversations do not include references to all topics covered in the communications. All verbatim quotations of verbal statements are preliminary and draft only. Verbatim quotations of written statements include original errors. All dates are approximate.

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¹ Throughout this affidavit, English translations of Arabic words and phrases are offered for ease of reference. Additional information regarding the subjects' use of certain language is offered where appropriate and rests on the totality of the investigation to date, the context of the statements in light of the facts, publically available sources of information, my conversations with other officers and agents who are familiar with the investigation, and my experience and familiarity with terrorist organizations generally.

BACKGROUND INFORMATION

SUMMARY OF THE EVIDENCE

4. As described in more detail below, evidence shows that in 2010, KABIR influenced SANTANA and DELEON to convert to Islam and introduced SANTANA and DELEON to radical and violent Islamic doctrine, including by posting content on-line and by directing SANTANA and DELEON to materials featuring now-deceased Al-Qa'ida in the Arabian Peninsula spokesperson Anwar Al-Awlaqi² and other extremist materials disseminated via the Internet. Thereafter, KABIR continued to post radical content to social media sites, some of which DELEON and SANTANA reviewed and commented on, including as described in paragraphs 26 through 28 below.

² According to a March 2010 report by the United States Military Academy at West Point's Combating Terrorism Center ("CTC"), "Anwar al-'Awlaqi: Profile of a Jihadi Radicalizer" by Christopher Heffelfinger,

Al-'Awlaqi has already served to radicalize a sizeable number of young Muslims, including Americans and other English-speaking Muslims who aspired to learn more about jihad and its permissibility according to Shari'a (Islamic law). He has translated and discussed famous Arabic-language tracts on jihad in his lectures and articles, as well as hadith stories and other matters of faith and doctrine. . . . What makes al-'Awlaqi unique is his role in the radicalization process, serving as a critical link that takes dedicated students of Salafi-jihadi ideology from an inspirational to an operational mode. Accordingly, al-'Awlaqi's greatest significance lies in his ability to function as a motivational speaker, demonstrating a proven talent to drive believers into action.

5. On December 28, 2011, KABIR traveled from the United States to Germany, where he remained until July 2012. On July 24, 2012, KABIR traveled to Afghanistan via Dubai, United Arab Emirates. Records show that, in July 2012, KABIR obtained a one-way ticket to travel from Amsterdam to Kabul, Afghanistan, via Kiev and Dubai. Internet Protocol ("IP") records for one of KABIR's on-line accounts show that KABIR subsequently logged in to his account from an IP address that resolved to Afghanistan.

6. After reaching Afghanistan, KABIR communicated with SANTANA and DELEON and encouraged SANTANA and DELEON to travel from the United States and join him in Afghanistan. KABIR informed SANTANA and DELEON that he had arranged for SANTANA's and DELEON's arrival in Afghanistan. KABIR informed SANTANA and DELEON that he had made contacts in Afghanistan and that he intended to depart for training but would wait until SANTANA and DELEON reached Afghanistan. KABIR informed SANTANA and DELEON that, upon their arrival, the three men initially would join "the students," referring to the Taliban, before joining "the professors," referring to Al-Qa'ida.

7. During the investigation, SANTANA and DELEON informed an FBI confidential source (the "CS")³ that they planned to

³ The CS is an individual who has been reporting to the FBI full-time for over 4.5 years and has provided credible and reliable information in the past. As of approximately late

travel from the United States to engage in violent jihad⁴ and that they had planned to do so since the time KABIR converted them to Islam. During conversations with the CS, SANTANA and DELEON described potential targets for violent attacks, including overseas American military personnel and bases. At various times, SANTANA and DELEON also discussed their preferred roles in committing violent jihad. For example, SANTANA stated that he had experience with firearms and that he wanted to become a sniper. DELEON stated that he wanted to be on the front lines and that his second choice would be explosives. When the CS asked SANTANA whether he would be able to kill an enemy, SANTANA said he would have no problem doing so. When asked a similar question, DELEON said that he would "blow his [referring to an enemy's] brains out and send him to, to jahannam [Arabic for hell]." In September 2012, DELEON and

October 2012, the CS has received over \$250,000 in payments from the government as well as immigration benefits. The CS was previously convicted of trafficking in pseudoephedrine.

⁴ When translated from Arabic, the word "jihad" means "struggle" and can be interpreted in different ways. Evidence in this case, including statements to the CS and written communications, shows that KABIR, SANTANA, and DELEON closely followed and studied the teachings of Anwar Al-Awlaqi. Al-Awlaqi, in his 2009 essay "44 Ways to Support Jihad," stated that "jihad" is an obligatory act for Muslims and that "victory will not be through elections or peaceful dawah, but through fighting in the path of Allah." The evidence shows that KABIR, SANTANA, DELEON, and GOJALI used the word "jihad" to refer to fighting as in armed combat.

SANTANA recruited GOJALI to join them. GOJALI agreed to join their plan to travel overseas to commit violent jihad.

8. Evidence described below further shows that DELEON, SANTANA, and GOJALI have taken, and continue to take, steps to prepare for travel from the United States to reunite with KABIR in Afghanistan and join the Taliban and Al-Qa'ida by conducting training, including physical exercise and firearms practice, and arranging travel logistics, including flights, passports, and visas.

THE DEFENDANTS

Sohiel Omar KABIR

9. Records from the United States Department of Homeland Security ("DHS") and the State of California show that KABIR is a 34 year-old naturalized United States Citizen who was a resident of Pomona, California. He was born in Afghanistan. Department of Defense records show that KABIR served in the United States Air Force from 2000 to 2001. As discussed below, the FBI has learned that KABIR departed the United States for Germany in December 2011 and entered Afghanistan in July 2012.

Ralph Kenneth DELEON

10. Records from DHS and the State of California show that DELEON is a 23 year-old lawful permanent resident alien who

resides in Ontario, California. DELEON was born in the Philippines.

Miguel Alejandro SANTANA Vidriales

11. Records from DHS and the State of California show that SANTANA is a 21 year-old lawful permanent resident alien who resides in Upland, California. SANTANA was born in Mexico and is pending citizenship in the United States.

Arifeen David GOJALI

12. Records from the State of California show that GOJALI is a 21 year-old United States citizen by birth and a resident of Riverside, California.

RELEVANT GROUPS

AL-QA'IDA

13. According to the National Counterterrorism Center's publicly available website, Al-Qa'ida is described as follows:

Established by Usama bin Ladin in 1988 with Arabs who fought in Afghanistan against the Soviet Union, Al-Qa'ida's declared goal is the establishment of a pan-Islamic caliphate throughout the Muslim world. Toward this end, Al-Qa'ida seeks to unite Muslims to fight the West, especially the United States, as a means of overthrowing Muslim regimes Al-Qa'ida deems "apostate," expelling Western influence from Muslim countries, and defeating Israel. Al-Qa'ida issued a statement in February 1998 under the banner of "the World Islamic Front for Jihad Against the Jews and Crusaders" saying it was the duty of all Muslims to kill US citizens - civilian and military - and their allies everywhere. . . . Al-Qa'ida remains

committed to conducting attacks in the United States and against American interests abroad.

http://www.nctc.gov/site/groups/al_qaida.html.

14. In 1999, and continuing to the present date, the Secretary of State designated the terrorist group Al-Qa'ida as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act.

THE TALIBAN

15. The Taliban, (also known as "Taleban"), is described, in part, by the National Counterterrorism Center as:

. . . a Sunni Islamist nationalist and pro-Pashtun movement founded in the early 1990s that ruled most of Afghanistan from 1996 until October of 2001. The movement's nucleus - the word "Taliban" is Pashto for "students" - was composed of peasant farmers and men studying Islam in Afghanistan and Pakistan madrasas, or religious schools. [In] September 1996, the Taliban had captured Kabul, killed the country's president, and established the Islamic Emirate of Afghanistan. In the years leading up to the 11 September 2001 attack in the United States, the Taliban provided a safehaven for Al-Qa'ida. This gave Al-Qa'ida a base in which it could freely recruit, train, and deploy terrorists to other countries. The Taliban held sway in Afghanistan until October 2001, when they were routed from power by the US-led campaign against Al-Qa'ida.

<http://www.nctc.gov/site/groups/taliban.html>.

SUMMARY OF THE FACTS

16. As of October 2011, SANTANA had posted violent extremist media on a social media site, including audio files of

Al-Qa'ida terrorist Anwar Al-Awlaqi, articles from Al-Qa'ida in the Arabian Peninsula's English-language magazine "Inspire,"⁵ and other comments and quotations supporting violent jihad. SANTANA indicated he lived in Los Angeles and had converted to Islam in approximately August of 2010. A picture on one of SANTANA's social media pages depicted what appears to be an Islamic militant fighter with a caption declaring "No one should think that the killing of Mujahid (Arabic word referring to a fighter for jihad) will possibly stop or hinder our movement, because in place of one there are tens and hundreds of lions who are ready to pounce upon the regime's ruined remnants. My soldiers love dying more than your soldiers love living." SANTANA later told an FBI on-line covert employee ("OCE") that, from the time he converted to Islam, his intention was to engage in jihad. SANTANA later made similar statements to the CS.

17. On January 13, 2012, DHS's Customs and Border Protection ("CBP") encountered SANTANA as he entered the United States from Mexico at the San Ysidro, California, point of entry. During the encounter, CBP officers asked SANTANA about items that he was carrying on his person. SANTANA told CBP

⁵ "Inspire" is an English-language on-line magazine reported to be published by Al-Qa'ida in the Arabian Peninsula. Among other things, the magazine includes recruiting material and provides information about how to carry out particular types of terrorist attacks.

officers that he converted to Islam in August 2010 and that while on his current trip to Mexico, he obtained, through the Internet, a copy of "Inspire"⁶ magazine to read.

18. During the investigation, the FBI, acting in a covert capacity, engaged SANTANA in dialogue on-line to determine his potential threat to the United States. In electronic communications with the FBI on-line, SANTANA detailed his acceptance of Islam, his support of jihad, and his desire to join Al-Qa'ida.

19. During an on-line conversation on February 15, 2012, SANTANA informed an OCE of his interest in "fisabilillah" (an Arabic phrase meaning "for the sake of God"). During the conversation, the following exchange occurred:

OCE: to be clear akhi. . . what do u mean when u use the word fisabillah

SANTANA: they tell me that they live in amerika so they have different fisabillah Jihad

OCE: yes..this is what must be clear because in some places fisabillah means something else..some believe it means performing act such as charity or Jihad

SANTANA: oh really? didn't no that

OCE: so what do you believe?

SANTANA: believe what?

OCE: are u talking about charity or jihad when u use fisabillah

⁶ SANTANA was found to have a copy of issue number 7 of "Inspire" magazine, published in the Fall of 2011.

SANTANA: jihad fisabillah to establish tawheed
[Arabic word referring to the Islamic belief
in the oneness of God] over the Muslim lands
and to stop the oppressors.

Based on SANTANA's statements to the OCE and later to the CS,
SANTANA appeared to use the term fisabilillah and "jihad
fisabilillah" to refer to violent jihad as in war.

20. Later in the same February 15, 2012, on-line
conversation with an OCE, SANTANA described how an Afghan
"brother" (later identified as KABIR) introduced him to jihadi
videos and jihadi media, including "Inspire" magazine, "the
unjust media," and "kavkazcenter." When asked by the OCE if he
was still in contact with the "Afghan" (KABIR), SANTANA said he
was, that "he (KABIR) knows my intentions," and that "we planned
this out when I became a Muslim." SANTANA claimed to the OCE
that he went to Mexico to "train" and that he "learned how to
use fix and shoot a lot of different kinda of guns and I was
practicing with explosives learning how to use and make them."
Later in the conversation, SANTANA told the OCE that he was
"thinking of learning how to be a sniper."

21. In a February 17, 2012, communication, an OCE asked
SANTANA which battlefield he wanted to join; SANTANA replied
"korasan," then added "yemen." The OCE asked SANTANA what his
interest was in "korasan" or "yemen" to which SANTANA replied
"help the brothers pave the way to Jerusalem." (Based on my

training and experience and information provided by other FBI special agents: (1) SANTANA's use of the word "korasan" was a reference to Khorasan, a traditional Islamic reference to an area in Central Asia and Afghanistan, here meaning Afghanistan; and (2) SANTANA's statement "help the brothers pave the way to Jerusalem" appeared similar to the teachings of Al-Awlaqi and to a fatwa issued by Al-Qa'ida directing followers to retake control of the Al-Aqsa Mosque, which is located in Jerusalem.)⁷

22. In an on-line conversation on February 29, 2012, SANTANA told an OCE about a "filipino brother" (later identified as DELEON) and stated that there were others who want to make "jihad fisabillah." The OCE told SANTANA there is a training camp in Jalalabad, Afghanistan, for SANTANA to attend if that is his intention. SANTANA responded "Mashallah were is this akhi?"

⁷ On February 23, 1998, Usama Bin Laden and his then deputy, Ayman Al-Zawahiri (now the leader of Al-Qa'ida following Bin Laden's death), issued a fatwa declaring, in part, that

[t]he ruling to kill the Americans and their allies - civilians and military - is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the Al-Aqsa Mosque and the holy mosque [Mecca] from their grip, and in order for their armies to move out of all the lands of Islam[.] . . . We - with God's help - call on every Muslim who believes in God and wishes to be rewarded to comply with God's order to kill the Americans and plunder their money wherever and whenever they find it.

See http://www.pbs.org/newshour/updates/military/jan-june98/fatwa_1998.html.

and told the OCE he has wanted to join the battlefield since he "took shahada" (referring to the time when he declared his faith in Islam).

23. During the investigation, the CS met SANTANA, DELEON, and GOJALI on numerous occasions. Over the course of several months, DELEON and SANTANA informed the CS of their plans with KABIR. Although GOJALI previously associated with DELEON and SANTANA, DELEON recruited GOJALI to join the conspiracy in September 2012.

24. On March 2, 2012, the CS observed SANTANA with a Filipino male, later identified as DELEON. The CS spoke with DELEON in an unrecorded conversation. DELEON told the CS there were a couple of "brothers" from the mosque who want to go for "fisabilillah." The CS asked DELEON which kind of fisabilillah and DELEON replied "jihad." DELEON said that the two men who had been discussing fisabilillah had been doing so openly and had drawn the attention of the "feds." When the CS asked whether SANTANA was one of the men discussing jihad fisabilillah, DELEON said "yes, Miguel."

25. During an on-line conversation on March 9, 2012, SANTANA again told an OCE that he wanted to become a sniper and that he "always had a big passion for this." The OCE told SANTANA that the OCE's "emir" (Arabic for leader) is Al-Qa'ida.

SANTANA asked "how do I make pledge to this Emir?" The OCE explained how to do so and SANTANA followed suit by typing verbatim the following pledge provided by the OCE:

O our beloved Emir, on behalf of my brothers in al-Qaeda, commanders, and soldiers. I say: I give allegiance to you to follow the Book of Allah and the Sunnah of His Messenger, to listen and obey in good and bad, to have altruism and not dispute with people in their fields except when we see clear unbelief that is prove in the revelation from Allah as much as we can.

When the OCE asked SANTANA how he felt, SANTANA replied "It feels like I took shahada all over again."

DEFENDANTS' SOCIAL MEDIA

26. I have reviewed several of the social media web sites for KABIR, SANTANA, DELEON, each of whom has posted radical pro-jihad content on their respective pages. Additionally, portions of the social media show that DELEON and SANTANA "liked"⁸ postings on KABIR's Facebook page as early as May 2011.

27. Public items posted by KABIR to his social media accounts include photographs of himself, non-extremist content, radical Islamist content, and items reflecting a mistrust of

⁸ According to Facebook, the "like" feature allows users to share content with other Facebook users. For example, if User A clicks the "like" button associated with specific content posted on User B's Facebook page, a link is posted on User A's Facebook page indicating User A "liked" User B's content; User B's content is annotated to note the "like." Similarly, Facebook's "share" feature allows users to share content in a variety of ways, including to their own page, to another person's or group's page, or in a private message.

mainstream media, abuses by the government, conspiracy theories, abuses by law enforcement, and the war in Afghanistan. KABIR's radical postings include videos and links to videos of Al-Qa'ida leader Anwar Al-Awlaqi and his lectures, jihad-based videos regarding Afghanistan and elsewhere, videos depicting mujahideen fighters in Afghanistan and elsewhere, videos depicting terrorist training camps and related activities, videos depicting improvised explosive device ("IED") attacks, and articles regarding the death of American soldiers in Afghanistan. For example, on July 6, 2012, KABIR shared a video to his public Facebook page entitled "Knights of Khorasan Islamic Emirate Martyrdom Operation Against an Army Base in Margha." This video, which I have reviewed, depicts a suicide bombing operation against a large base wherein the suicide-bomber drives an explosives-laden truck into a base and detonates it. The video bears the symbol of As-Sahab, Al-Qa'ida's media wing, in the lower right corner.

28. KABIR has "shared" several postings with SANTANA and/or DELEON, both of whom have "liked" or commented on several other postings by KABIR, including the following:

a. On December 7, 2011, KABIR posted a video entitled "Black Flags of Khorasan: Part 2" that he later "shared" with DELEON. (Based on my training and experience,

conversations with other agents, and research of publicly available information, the black flag or banner refers to a traditional flag flown by Muhammad and later by Islamic military leaders. More recently, several jihadi groups and terrorists have adopted the black flag as a symbol for jihad and mujahideen fighters.)

b. On or about January 5, 2012, KABIR shared a link regarding negotiating with the Taliban. SANTANA "liked" the post and SANTANA and KABIR engaged in a public exchange of comments. SANTANA said, "they messed up know!" KABIR followed SANTANA's comment with a lengthy comment that appeared to include excerpts of a "Statement of Islamic Emirate of Afghanistan," which discussed the Taliban's desire to expel the United States from, and establish their own government in, Afghanistan. SANTANA replied to KABIR's comment by writing "Oh yea!!!!"

c. On January 5, 2012, KABIR posted a photo on his Facebook page depicting a veiled and covered woman leaning on an assault rifle. DELEON and KABIR exchanged comments on the photo wherein DELEON said "...hey bro are u coming back? whats goin on? how long u gona stay there?" KABIR replied "Naa.. not comin back...movin 4wd.... =D.... ½ way 2 my destination.. =D."

(Based on the context of this statement, including the fact that

KABIR was then in Germany, I believe that KABIR intended to inform DELEON that he had commenced his journey to Afghanistan.)

d. On January 19, 2012, DELEON "liked" a shared link posted on KABIR's page of a video entitled "Dua of Sheikh Muhammad al Mohaisany masjid al haram makkah." The video, which I have reviewed as posted on KABIR's page, appears to be a prayer for the success of the mujahideen and features various photos including Al-Qa'ida leaders Usama Bin Laden and Ayman al Zawahiri, 9/11 attacks, bloodied adults and children, and Islamic fighters. The video also calls for the liberation of Al-Aqsa, the mosque referenced in the 1998 Al-Qa'ida fatwa described above.

e. On February 13, 2012, SANTANA "liked" two shared video links on KABIR's page, including one for a video entitled "Imam Anwar al Awlaki - A Story of Courage."

f. On May 28, 2012, KABIR posted two stories regarding the death of Al-Qa'ida leader Usama Bin Laden. DELEON "liked" both stories; SANTANA "liked" one.

g. On June 16, 2012, SANTANA "liked" a video, produced by Al-Qa'ida's media wing, As-Sahab, shared by KABIR to his Facebook page entitled "Ghuraba." This video, which I have reviewed, appears to depict life as a mujahideen fighter and

includes several interviews. The video also features mujahideen fighters firing artillery.

h. On July 5, 2012, KABIR posted a photo featuring Al-Qa'ida leader Anwar Al-Awlaqi which contained a quote from Al-Awlaqi. DELEON "liked" and "shared" the photo.

i. On September 16, 2012, DELEON "liked" KABIR's shared link to a video entitled "The Truth Has Come and Falsehood has perished Part 1 Urdu." This video, which I have reviewed, is a production by As-Sahab and begins with footage of Al-Awlaqi and discusses the war in Afghanistan. The video also features current Al-Qa'ida leader Ayman Al-Zawahiri.

29. On September 17, 2012, SANTANA "liked" KABIR's post of an article entitled "A Public Talk by Ustadz Abu M Jibriel AR: The Truth Of The 9/11 Jihad Operation, The Plots Of The Enemies And The Zionist Conspiracy."

DEFENDANTS' STATEMENTS TO THE CS

30. On May 25, 2012, the CS traveled with SANTANA, DELEON, GOJALI, and others to Las Vegas, Nevada, to attend a conference. During the trip, the CS recorded many of his conversations with the defendants. At the beginning of the trip, SANTANA told the CS that he and DELEON were converted to Islam by the same Afghani man (as discussed below, SANTANA and DELEON later identified this man as KABIR). While discussing law

enforcement, DELEON told SANTANA, GOJALI, and the CS "I'd cut all their throats if I ever had the chance." During the trip, the men listened to recordings of lectures by Al-Qa'ida spokesperson Anwar Al-Awlaqi provided by DELEON.

31. On May 26, 2012, DELEON and the CS discussed jihad and fighting. DELEON said "[i]f I had the chance, really [I] would just go." DELEON added that he would "welcome that chance, even if it's here, anywhere . . ." (appearing to refer to a willingness to engage in violent jihad overseas or in the United States).

a. Later that evening, DELEON discussed a plan between KABIR, SANTANA, and DELEON to travel for jihad:

DELEON: As we were just . . .

THE CS: So it was you and Miguel?

DELEON: Yeah. We were going to go.

THE CS: Wow.

DELEON: And then . . . 'cause my whole family is U.S. citizens except for me. I'm not a citizen. So . . . [unintelligible ("UI")] the window a little bit. And then, I was going to go, but, my, I, I didn't have a visa yet. I had to go to the Philippine Embassy, and then this and that. And then, basically, the brother had already sold his car. I was going to sell my car.

THE CS: Wow. Brother Sohriel went to Afghanistan?

DELEON: He's in Germany right now. He's going to go to A-F-G [referring to Afghanistan]. And, alhamdilullah [Arabic for "praise God"] he's a very good brother.

THE CS: Masha'Allah [Arabic expression of thanks or praise to God upon hearing good news].

DELEON: And then that's it. And then, I was waiting and waiting and waiting. And I told my dad, "Dad, I'm going for umrah" [Arabic expression referring to a pilgrimage to Mecca, Saudi Arabia].

THE CS: But, you guys are actually going to Afghanistan?

DELEON: Yeah, we're going to go. And . . .

THE CS: Wow.

DELEON: And . . .

THE CS: When . . . wow, wow, wow, wow . . .

DELEON: And then I already had a plan. We were going to go to Saudi, because my uncle is in Jeddah. And I was going to go to Saudi . . . the Saudi Embassy and tell them I'm going to go for umrah, this and that.

THE CS: Uh huh.

DELEON: And then from there, go south, you know, towards maybe Yemen or wherever. Because it's, it's, and Sohail [referring to KABIR] already knows people. So he's already gone, he's already . . . already gave up his life.

THE CS: Wow.

DELEON: And so Miguel and I, we're already, we're going to get money for Miguel [referring to SANTANA]. Already,

already set. We're going to buy a round trip . . .

b. Later in the conversation, DELEON and the CS discussed the following:

THE CS: So Miguel went to Mexico, to . . .

DELEON: To practice

THE CS: To practice.

DELEON: Yeah.

THE CS: Wow. Do they have like a camp in there, or something?

DELEON: He had a, uh, he knew, he had family who had, you know, weapons.

THE CS: Ok, ok. Yeah, he told me, because he is from the . . .

DELEON: He practiced.

c. Later in the conversation, DELEON said:

. . . But like telling you all the details, I really haven't told anyone. But, yeah from . . . from Mexico he came back. And now I told Sohiel I am just waiting for my U.S., you know, my citizenship.

(Based on my training and experience, the context of the conversation, and statements by DELEON described below, DELEON's statement that KABIR "already gave up his life" appears to reflect DELEON's belief that KABIR had started on a path toward jihad. I further believe that this conversation indicates that SANTANA, KABIR and DELEON previously formed a plan to go to Afghanistan and to commit acts of violent jihad.)

32. During the May 2012 Las Vegas trip, SANTANA told the CS that Al-Awlaqi is his "shiekh, this is how I came to Islam, by listening to him."

33. After the Las Vegas trip, DELEON gave the CS a thumb drive containing a digital copy of Al-Awlaqi materials. The CS provided the thumb drive to the FBI without accessing it. The thumb drive contains approximately 32 audio files of lessons and lectures by Al-Awlaqi and a copy of the aforementioned "44 Ways to Support Jihad."

34. On June 15, 2012, DELEON and the CS went to a store. While en route, DELEON told the CS that he met KABIR at a hookah bar and was introduced to Islam through KABIR. DELEON told the CS that KABIR was currently in Germany and that he was not coming back. DELEON told the CS that SANTANA also met KABIR at the hookah lounge.

35. On June 16, 2012, DELEON, SANTANA, and the CS, traveled to San Diego, California, for a conference and returned on June 17, 2012. During the drive to and from San Diego, SANTANA and DELEON played lectures by Al-Awlaqi over the vehicle's speaker system.

a. On June 16, 2012, SANTANA, DELEON, and the CS had the following discussion, which the CS recorded:

SANTANA: This is how I see it. The only way
we're going to be victorious . . .

DELEON: Sword.

SANTANA: . . . is by fisabillah [ph]. Yeah.

DELEON: The prophet, peace be upon him . . .

SANTANA: The only way! Only way! I mean yeah, it's good to give dawa [Arabic for preaching], but it's better to do fisabillah [ph].

b. While en route to San Diego, DELEON, SANTANA and the CS discussed Al-Awlaqi and martyrs for Islam. DELEON and SANTANA told the CS the Al-Awlaqi lectures were "prohibited." DELEON told SANTANA he had already given a copy of the lectures to the CS. SANTANA reported that he also had Al-Awlaqi's "underground" lectures.

c. SANTANA, DELEON, and the CS spoke about firearms training. During the conversation, SANTANA told the CS that he wanted to become a sniper. SANTANA explained that he had shot various weapons in Mexico, including AK-47s. SANTANA, DELEON, and the CS then discussed plans to practice shooting weapons and whether to do so in Mexico or the United States.

d. DELEON and the CS explained to SANTANA that they had previously decided to use the word "umrah" to refer to violent jihad. DELEON and SANTANA then discussed with the CS a plan to wear regular clothing like tourists when they traveled in order to avoid detection. The three discussed where jihad was being waged and where they should go for jihad.

36. On June 22, 2012, SANTANA, DELEON, and the CS discussed going to the range to practice with firearms. SANTANA told the CS that he had a friend who worked at a gun range where they did not ask for anyone's identity.

37. In July 2012, SANTANA, DELEON, the CS, and another man traveled by car to Illinois to visit with DELEON's family. During the trip, which occurred between July 2 and July 8, 2012, the CS recorded several conversations. SANTANA told the CS that he had spoken with KABIR about obtaining money to leave the United States. SANTANA relayed that KABIR had told SANTANA to contact an individual known to both KABIR and SANTANA, who could help SANTANA obtain the money.

38. The CS reported that, during the trip to Chicago, DELEON said that he obtained an updated issue of Al-Qa'ida's "Inspire" magazine and offered to load it onto the CS's thumb drive. The CS reported that DELEON and SANTANA both brought audio-recordings of lectures by Al-Awlaqi that the two played over the vehicle's speaker system. The CS reported that the lectures contained extremist content.

39. During the Chicago trip, SANTANA told the CS about his communication with an OCE. SANTANA explained that there are "boot camps" in Afghanistan. When the CS asked SANTANA which group was associated with the camp, SANTANA stated that it was

"Al-Qa'ida." SANTANA told the CS, "if I'm going to do something, I want to do it with . . . [Al-Qa'ida]." SANTANA said he told "the brother" (referring to the OCE) that he wanted to be a sniper and that he trained in Mexico. SANTANA told the CS that he had told the brother (OCE) that he had tried making an "oxide-peroxide thing, or whatever, from that magazine, that Inspire" (referring to SANTANA's statements about his efforts to construct a peroxide-based explosive device by following instructions set forth in the "Inspire" magazine article "How to Make a Bomb in the Kitchen of Your Mom"). Regarding attending a training camp, SANTANA told the CS, "This is what I told them (referring to the OCE). If for some weird reason, if I can't handle it, I'm not going to give up. Like, because, this is my strong intention. This is what I desire of doing in this life. So, even if I can't go through the boot-camp, I'm going to keep trying until I finish it."

40. During the Chicago trip, SANTANA and the CS discussed SANTANA's interaction with KABIR. SANTANA told the CS that KABIR "always" wanted to do jihad and "that's how he (KABIR) came into Islam." SANTANA explained that he and KABIR discussed SANTANA's desire to join the U.S. military, which KABIR described as "the true terrorists." SANTANA said KABIR showed him Al-Awlaqi and said "Look man, if you're going to join

anything, join the other side, because that's the side where they're actually fighting for something . . . a worth [sic] cause." SANTANA told the CS that he then told KABIR "I want to go fight, man" and "Let's do it." SANTANA explained that KABIR then told him "I want to go too What we could do is go to A-F-G, you know. Save some money, go get settled, ya know, meet the locals, see who's fight, see who's doing the right cause . . . join them, from there, just continue." SANTANA told the CS "[s]o that's the reality. I came to Islam from fisabillallah."

SANTANA RENEWS HIS PASSPORT

41. On July 11, 2012, the CS drove SANTANA to the Mexican Consulate in San Bernardino, California, to update SANTANA's passport. While en route, SANTANA told the CS that he spoke with KABIR using Skype⁹ on or about July 9, 2012. According to SANTANA, he and KABIR discussed how he (SANTANA), DELEON, and the CS all desired to travel (for violent jihad). The CS asked SANTANA if he was still intent on committing fisabilillah. The CS offered to help SANTANA get a job and establish himself in the United States rather than traveling overseas. SANTANA said

⁹ Skype is a web-based communication system whereby individuals can use the Internet to make and receive audio and video calls.

he would not change his mind. SANTANA told the CS his heavenly rewards would outweigh any earthly rewards.

42. Later on July 11, 2012, SANTANA and the CS picked up DELEON and drove to Orange County. While on the drive, the CS asked DELEON if getting married, having kids, or getting his degree would dissuade him (DELEON) from committing jihad. DELEON said no and that he had fisabilillah in mind ever since converting to Islam. SANTANA also told the CS he planned to talk with a connection he had at a local gun range to get the three of them to practice shooting. DELEON told the CS that, when he goes (referring to traveling overseas), he wants to be on the front lines.

43. On July 12, 2012, DELEON, SANTANA, and the CS went to the Mexican Consulate in San Bernardino to complete SANTANA's Mexican passport renewal. During this trip, DELEON and SANTANA told the CS that they needed to leave the United States by no later than December 20, 2012. DELEON confirmed to the CS that, when they go (for jihad fisabilillah), they will either go to Al-Qa'ida or to Palestine.

DELEON AND SANTANA DISCUSS JOINING TERRORIST GROUPS

44. On July 16, 2012, the CS met with DELEON in Ontario, California. The CS asked DELEON which group they would join if they went to Afghanistan. DELEON said "AQ" or the Taliban.

DELEON said he had been doing research on the Taliban and thought the Taliban was fighting for the right cause. DELEON went on to discuss other areas where there were legitimate jihads. DELEON said that if the CS was not able to provide money to fund the trip, DELEON could sell his car. DELEON said he had been running to get into shape for the trip.

45. On July 18, 2012, SANTANA, DELEON, and the CS met at DELEON's home. The three discussed where they should go and whom they should join. SANTANA stated they should go to Afghanistan because that region is more active. When asked what group they should join, SANTANA said "AQ." DELEON believed the Taliban was a possibility as well, but "maybe AQ would be better." They also discussed several places worthy of fighting, including: (1) Afghanistan to fight against Americans, the British, and United Nations and Israelis; (2) the Philippines to join Abu Sayyaf¹⁰ and fight against apostate Filipinos and the

¹⁰ The Secretary of State designated the Abu Sayyaf Group ("ASG") as a Foreign Terrorist Organization in 1997. The State Department notes:

ASG is the most violent of the terrorist groups operating in the southern Philippines . . . [and] engages in kidnappings for ransom [including kidnappings of Americans], beheadings, assassinations, and extortion. The group's stated goal is to promote an independent Islamic state in western Mindanao and the Sulu Archipelago, areas in the southern Philippines heavily populated by Muslims.

Americans; and (3) Palestine. SANTANA said that he preferred Afghanistan and that he thought the military bases there could easily be ambushed "from every direction." The CS asked DELEON and SANTANA if they had thought about how it will feel to kill someone. DELEON said he had thought about it and "wouldn't have a problem if it's, it's for Allah." SANTANA said he would not have a problem with it and "The more I think about it the more it excites me."

46. On July 19, 2012, the CS, SANTANA, and DELEON met. The CS asked DELEON to clarify a comment DELEON made regarding the mujahideen in the battle field. When the CS asked DELEON how he would respond in that situation, DELEON said, "Me . . . I feel how Miguel feels. I'm all, I'll snipe the guy off I am so ready." DELEON went on to say, "No way. The least I can do is blow his brains out and send him to, to jahannam [hell]." DELEON added that not only the one who fights for Islam will be rewarded, but even the person who loads bullets into magazines will be considered a shahada (believed here to be a reference to the Arabic term shaheed, used here to mean "martyr"). The CS told DELEON that being married and providing for a family is a type of jihad, to which DELEON responded by

saying it was not the type of jihad that would get him into paradise.

DEFENDANTS DISCUSS KABIR'S TRAVEL TO AFGHANISTAN

47. On July 24, 2012, DELEON told the CS that KABIR had left for home, which DELEON later clarified meant Afghanistan. (As I stated in paragraph 5, above, KABIR in fact traveled to Afghanistan on July 24, 2012.)

48. On August 1, 2012, the CS met with SANTANA, DELEON, and a third man. DELEON told the CS that an individual known to both KABIR and DELEON advised that KABIR said that he (DELEON), SANTANA, and the CS should not come to Afghanistan until KABIR finds the right camp (appearing to refer to a terrorist training camp) for them to attend.

49. On August 8, 2012, DELEON told the CS about a recent Skype session he had with SANTANA and KABIR. DELEON told the CS that SANTANA had done most of the talking during the hour-long call. DELEON explained that, during the Skype session, he (DELEON) observed KABIR to be with a person who was a shiekh or an imam. DELEON said KABIR told him he was living in Kabul near a mosque and said that they could come to Afghanistan at any time and that the brothers would take care of everything. Later that evening, DELEON and the CS discussed Al-Awlaqi's teachings. DELEON told the CS that Al-Awlaqi's view on suicide bombers was

that they would reap heavenly rewards even though the practice of suicide is forbidden by Islam. DELEON told the CS that he learned from KABIR that there were scores of men in Afghanistan waiting for their chance to die as suicide bombers.

50. On August 10, 2012, SANTANA told the CS that the imam who was present with KABIR during the recent Skype call asked questions of SANTANA and asked him to recite a verse from the Quran. SANTANA told the CS that KABIR said that he planned to start an orphanage in Kabul and suggested that DELEON and SANTANA could work there. SANTANA confirmed to the CS that orphanage was a cover for their true intentions.

51. On August 13, 2012, SANTANA told the CS that KABIR still planned to join a group for jihad and that the opening of the orphanage, which SANTANA confirmed later in the conversation was a cover for their true intentions, was to reap heavenly rewards. When SANTANA mentioned a report that the United States government had purchased ammunition, the CS asked whether waging jihad in the United States would be permissible. DELEON responded that, if the government entered one's house, it would be permissible to "spray" them (appearing to refer to firing automatic weapons) and that Al-Awlaqi condoned committing jihad in the United States.

52. On August 15, 2012, during a meeting between SANTANA, DELEON, and the CS, DELEON advised that there were no plans for them to actually work in the orphanage. DELEON said that KABIR would work there while waiting for them to arrive. SANTANA concurred with DELEON's statement. DELEON said he had been thinking about their trip and thought it would be advisable to stagger their departures overseas, leaving in groups of two when they travel through Mexico en route to Afghanistan.

53. On August 21, 2012, DELEON again told the CS their plan should be to travel in pairs.

54. During a meeting on August 29, 2012, SANTANA told the CS about a recent Skype session he had with KABIR. SANTANA told the CS that KABIR had solidified his connections to the group they would join and that everything was ready for SANTANA, DELEON, and the CS to meet up in Kabul. KABIR said the last thing he needed to do was to get his father's permission or forgiveness for engaging in fisabilillah. During the Skype session, KABIR encouraged SANTANA to come to AFGHANISTAN as soon as he could. SANTANA told the CS that he explained to KABIR that he was waiting for DELEON and the CS. KABIR said he would talk to an individual known to both KABIR and SANTANA and ask him to help SANTANA get to Afghanistan. SANTANA said KABIR told him the connection to the jihadi group was the same man who was

sitting next to KABIR in the previous Skype session (the above-described "shiekh" or "imam"). According to SANTANA, KABIR said that if he left to join a group before the men arrived to Afghanistan, he (KABIR) would leave them with a contact who would arrange to bring them to wherever he was.

55. On August 29, 2012, the CS and SANTANA met with DELEON, who told the CS that he (DELEON) had been getting in shape in preparation for their trip. SANTANA said he had been doing the same. DELEON asked SANTANA what group KABIR planned on joining. SANTANA replied "AQ." The CS asked about the term "AQ" which DELEON explained meant Al-Qa'ida. SANTANA relayed to the CS and DELEON that KABIR told him that the mujahideen in Afghanistan are currently fighting American, British, U.N., and Israeli troops. Later in their meeting, SANTANA told DELEON that he should be running with weight on his back. SANTANA said he had seen videos of mujahideen in Afghanistan carrying heavy loads. SANTANA said they will be carrying "RPGs" (rocket propelled grenades), ammunition, and other gear.

DEFENDANTS DISCUSS TRAVELING TO AFGHANISTAN TO JOIN KABIR

56. On or about August 31, 2012, SANTANA met with the CS and started the Skype session with KABIR, which was recorded. The men discussed KABIR's financial situation in Afghanistan and agreed to Skype again at 6:00 p.m. that evening.

57. At approximately 6:00 p.m., DELEON, SANTANA, and the CS met at DELEON's home and participated in a Skype session with KABIR, which was recorded. I have reviewed audio and video recordings of the Skype call and, based on other photographs of KABIR, believe that the image displayed during the call depicts KABIR. DELEON called a "shura" (Arabic for a meeting or consultation), which is consistent with DELEON's position as the group's agreed-upon emir while in the United States. In earlier discussions, the group agreed that KABIR would be the emir once they joined him overseas.

a. During the video call, KABIR said "Everything here is good to go if you guys come out here" (referring to Afghanistan).

b. KABIR explained that he could leave to join the group whenever he wanted and that he wanted to "go do some physical training and then by the time you guys come out here, I'll come back [to meet them], and you guys can still roll through." DELEON said that was "perfect." KABIR said "So if I do physical training and something happens in the process, I'll still have everything set up and in line for you guys if you come out here."

c. They again appealed to KABIR to wait and he reiterated that while he waited, he needed to do some physical

training. DELEON told KABIR that he trusted KABIR and thought it best that KABIR try to train, then try to come back to meet them. DELEON told KABIR that if KABIR could not come back, KABIR should send a brother (to meet them), to which KABIR said he would try.

d. The men then discussed travel plans to reach Afghanistan. KABIR told them to take the cheapest way to get to Kabul. SANTANA and DELEON told KABIR they planned to leave through Mexico. KABIR told SANTANA and DELEON to have a "game plan." KABIR said "Yeah, you know what. I'm gonna go out here and I'm gonna check it out and see how it is and if it's not worth it, then I say it's better if we go to uh, uh, Saudi" (which DELEON previously described as a gateway to Yemen).

e. Later during the conversation, KABIR said "if worse comes to worse where you don't hear from me no more, period. You, you have [individuals known to KABIR, DELEON, and SANTANA]. Ok. They know where I am at and who I am with. And you know, know my location and you come out here, then the right person will come and meet you guys."

f. Later in the conversation, SANTANA asked KABIR the following:

SANTANA: And um, I wanted to ask, the the brothers that you do know that have been there done that, what group do

they belong to? Do they belong to the
. . .

DELEON: Students?¹¹

SANTANA: . . . to the "A," or the, the . . .

KABIR: Students.

SANTANA: Students.

DELEON: [Talking over each other] Students.

DELEON: Students. Students. I like that.

THE CS: What's students?

[Unknown person whispers "Taliban."]

KABIR: It was the students. The other ones
are up in the mountains.

DELEON: Yeah, yeah, I get ya. [UI] I
understand.

THE CS: Got it. Got it. The other one . . .
[UI]

KABIR: The students are over here all
throughout the cities man. They are
all over the map. But [UI] there are
fake students too, so though . . .

DELEON: Definitely.

KABIR: . . . soldiers.

SANTANA: Um.

KABIR: [UI] . . . they're over here too, so.
That's why you . . . It's a, it's a
tricky game out here. But,
insha'Allah, everything's cool.

SANTANA: So from the students do you advance to
the professors? Or . . .

¹¹ As noted above, the Pashto word for "students" is "taliban," which is itself a combination of the Arabic word for student, "talib," and the Indo-Iranian plural suffix "an."

KABIR: Ya, that's all, of course you do.

SANTANA: Oh, okay.

KABIR: That's the first thing you gotta do is meet the professor. The professor decides if it, if it is all good, if it's good to go or not. It was a little complicated with me because I came from the U.S.

SANTANA: Oh.

KABIR: So, these fools already were like, ya man, you came from the states, so . . .

THE CS: Is it gonna be, is it, is it gonna be a problem for us too?

KABIR: [UI]

SANTANA: Is it a problem?

DELEON: Is it gonna be a problem for us too?

KABIR: No, no, 'cause I'll be out there.

g. Later in the conversation, SANTANA asked "Say for example this is the last time we speak, we're still going. Who do we get a hold of?" KABIR replied, "I'll nail that stuff down for you. I'll probably send you a message on here." KABIR said "I already told some brothers about you guys coming through and uh they're like 'bring 'em down, man.'" KABIR asked them to gather funds for "the brothers" (appearing to refer to mujahideen). This led SANTANA, DELEON, and the CS to discuss the code word orphan or orphanage. DELEON explained there were two orphans KABIR was talking about, the real ones and the others.

58. DELEON, SANTANA, and the CS discussed the Skype session after it ended. DELEON told the CS that KABIR wanted to wait for them but he also wanted to train and then come back. DELEON surmised that KABIR will set something up for them in the event that something happens to KABIR while he is away training.

59. The CS asked DELEON to explain the word "students." DELEON said the Taliban are the "students" and the translation of Taliban means "student." SANTANA then added that the "professors" are "AQ." DELEON and SANTANA affirmed to the CS they would train in a Taliban camp and then they would move/advance to Al-Qa'ida. The CS asked who they were with now. DELEON said "right now, we are going to be with the Taliban." DELEON also confirmed to the CS that the "professors" are Al-Qa'ida.

60. On the drive home, the CS asked SANTANA to explain the orphans. SANTANA said the money for orphans would be half for orphans and half for "the ranks," which he clarified as mujahideen. The CS then asked SANTANA to explain what KABIR meant when he said in the Skype call it is "rumbling" or its "going," which SANTANA said it was "warfare." When asked who they were fighting with, SANTANA said, "The British Army, the Army, [and] the Marines" and affirmed he was referring to the United States. SANTANA said that there were seven to eight

different targets, including, the U.S. Air Force, the U.N., "yahud" (Arabic for Jew), and mercenaries or private contractors. SANTANA said that he wanted to go to Afghanistan because it was the most active spot. SANTANA likened Afghanistan to "South Central" (referring to an area of Los Angeles historically associated with gang-related violent crime). When the CS asked SANTANA about physical training, SANTANA referred to going to the range, ammunition, RPGs, and IEDs. SANTANA then told the CS that he wanted to go to the "professors" because that is where Al-Awlaqi and Usama bin Laden were.

61. On September 4, 2012, the CS positively identified KABIR via a photograph.

62. On September 5, 2012, the CS met with DELEON and SANTANA. DELEON told the CS that nothing would stop him from making his trip overseas.

a. Later that day, DELEON told the CS that he was ready to go overseas anytime and did not need to finish school before he goes. When asked about preparations before they travel, SANTANA and DELEON told the CS they needed to go to a shooting range.

b. The CS asked DELEON and SANTANA to clarify KABIR's statement from the Skype session regarding joining the

students. DELEON and SANTANA affirmed their plan was to join Al-Qa'ida after joining the students. The CS asked them what they would do if Al-Qa'ida asked them to return to the United States to conduct jihad. After initially appearing disinterested, DELEON told the CS that as long as it was a one-way ticket, he would conduct jihad in the U.S.; SANTANA said he would consider it if he could return to Afghanistan afterwards.

63. On September 7, 2012, the CS, DELEON, and SANTANA unsuccessfully attempted to contact KABIR via Skype. DELEON told the CS that he would research the costs of travel to Afghanistan.

64. On September 9, 2012, the CS, SANTANA told the CS that he believed he was recently followed by a person. The two then picked up DELEON and SANTANA told DELEON about the person who appeared to have followed him. DELEON told them they needed to institute heightened security measures. DELEON told the CS and SANTANA they should avoid discussing specifics and said they should say they are leaving in November to throw off authorities. DELEON also said that they should use coded language or talk vaguely about their plans. According to the CS, DELEON believed SANTANA was being watched by Homeland Security. DELEON said that they should plan to go to a shooting range on Monday, September 10, 2012, and that they should use a

code when discussing the shooting range. DELEON suggested the word "ranch." They ultimately agreed with the CS's suggestion use the term "swap meet."

DEFENDANTS GO TO A SHOOTING RANGE

65. On September 10, 2012, the CS, DELEON, and SANTANA went to a firearms range in Los Angeles.

a. During the drive to Los Angeles, the CS observed that DELEON and SANTANA were excited about the prospect of rewards from being a shaheed (Arabic for martyr). While at the range, SANTANA selected an M4 assault rifle for them to shoot. While SANTANA and DELEON shot the rifle, they took turns video-recording each other. DELEON mentioned to the CS that they will reap heavenly rewards for going to the shooting range. SANTANA and DELEON also wanted to shoot a handgun and rented a Glock pistol. When finished, DELEON suggested they keep their paper targets, which they did.

b. Afterward, SANTANA said that he had read about weapons training in an issue of "Inspire" magazine. DELEON told the CS that his preferred role when they traveled overseas would be on the front lines. His second choice would be 'C-4' and his third choice would be "murabat" (ph) (appearing to mean "murabit," an Arabic word for post or guard). SANTANA said his

first choice would be a sniper, his second choice was to be on the front lines, and his third choice would be artillery.

c. DELEON asked whether the CS wanted to be on the front lines and the CS agreed. DELEON then said "I'd say C-4 number one, but I want to enjoy my, my targets. So I want to go on front line." SANTANA added "I wanna do C-4s if I could put one of these trucks right here with my, with that. Just drive it into like the baddest military base." The CS replied to SANTANA by saying that one would not need that big of a truck for C-4. SANTANA said "If I'm gonna do, I'm gonna do that, I'm gonna take out a whole base. Might as well make it like, big, ya know." (The CS informed agents that, at the time SANTANA made this comment, he was referring to a large tractor-trailer truck that drove by them.)

DEFENDANTS DISCUSS PLANS TO LEAVE THE UNITED STATES

66. On Monday, September 17, 2012, the CS met with SANTANA and DELEON and discussed travel plans. DELEON said that he would not finish school and said that he was going to withdraw his tuition money the following day, a portion of which he would use to fund his trip. DELEON said the latest they would leave was the beginning of November. SANTANA said he was ready for the trip too.

67. On September 18, 2012, DELEON, SANTANA, and the CS met and discussed their travel plans. DELEON told the CS that he had communicated with KABIR the previous night. DELEON told KABIR that they might arrive in Kabul sooner than originally planned and said that KABIR welcomed the news. KABIR suggested the following possible travel route: from Mexico to Germany, to the United Arab Emirates, and then to Afghanistan.

a. DELEON told SANTANA and the CS that he planned to talk with an imam to get advice on the "adab" of the mujahideen. DELEON told them he wanted to learn how he can act like and integrate himself with the Muslim fighters they plan to join. DELEON identified the imam and told the men he planned to advise the imam of their intent to go overseas to fight.

b. DELEON further told the men they needed to start hiking to get used to the terrain they would encounter overseas. DELEON commented on his intent to skydive as he felt that it would assist him in understanding how his body reacts to fear.

c. DELEON told the men that he should receive his tuition reimbursement in five business days. DELEON said that, when he received the money, he wanted to go back to a paintball facility that he patronized recently as it would be good training for "umrah" (identified above as a code word for violent jihad).

d. Outside of DELEON's presence, SANTANA told the CS that his brother recently told SANTANA that he wanted to join the United States military. SANTANA told his brother that if he saw him on the battlefield, SANTANA would kill him. SANTANA said that he told his brother to join the mujahideen instead.

68. On Thursday, September 20, 2012, the CS met with SANTANA and DELEON. Their conversation included the following:

a. SANTANA told the CS he "Skyped" with KABIR. KABIR informed SANTANA that he (KABIR) had been going to the gym as part of his preparations. According to SANTANA, KABIR also discussed a recent suicide bombing by a female, who was KABIR's neighbor. KABIR told SANTANA that his "connection" is really busy. (Based on my training and experience and the context of this statement, KABIR appeared to be referring to the sheikh or imam who was present with him during the above-described Skype conversation on August 8, 2012.) The CS and SANTANA discussed where they would stay when they go. According to SANTANA, KABIR said the brothers would let them stay at "their houses or the masjid." SANTANA said he discussed marriage with KABIR and that KABIR said he (KABIR) was not going to get married because he has different intentions.

b. SANTANA said KABIR told him that his main goal was still Yemen. SANTANA said that Yemen was good because "they

actually take over the cities and enforce sharia law." SANTANA said that he questioned KABIR about fighting against Yemeni tribes and that KABIR said that "those Muslims" needed to be taken out because they were not on their side. The CS asked why they would go to Afghanistan if KABIR was going to go to Yemen. SANTANA said they would not have to stay in one location and that "AQ" was there. According to SANTANA, KABIR said that first they would go to a camp and meet the "connections" and then could go do "umrah wherever they want."

DEFENDANTS GO TO A SHOOTING RANGE A SECOND TIME

69. Later on September 20, 2012, DELEON, SANTANA and the CS traveled to a shooting range. This was their second such trip. While on the way to the range, they discussed the following:

a. The CS discussed travel documents needed to enter Mexico. DELEON said that he already looked into travel from Mexico to Dubai to Afghanistan and the associated costs.

b. DELEON said that he was going to leave his dad a letter and mom a letter. SANTANA told DELEON about the CS leaving a letter for his wives. DELEON said the CS could not do that unless the CS knew that his wives were "100 percent down with the cause." The CS asked if he could lie in the letter.

DELEON replied you can lie when you are in war and, "I believe right now . . . we are in a state of war."

c. DELEON said he already had the expenses figured out for their trip. DELEON said Mexico to Dubai was \$1,300 to \$3,000, depending on the airline. From Dubai to Kabul was \$220 to \$500. DELEON estimated miscellaneous expenses for 3-5 people and \$10 per day for food calculated the total per-person cost as \$2200 to \$2500.

d. Upon arriving at the shooting range, SANTANA and DELEON selected two assault-style rifles to use. After shooting the weapons, DELEON remarked that he should have been preparing to go to Afghanistan five years ago.

70. While driving from the shooting range, the CS asked SANTANA and DELEON about their conversion to Islam.

a. The CS asked "what techniques that Sohail used on you . . . to get you and to become a Muslim and leave all, you know, leave all this . . . not yet become just a Muslim, to become a future, ya know, or potential mujahid." DELEON said that when he met KABIR, all KABIR talked about was the truth and religion. DELEON said KABIR was "basically a mujahid walking the streets of LA. He was just waiting to get his papers. And I met him at the point of his life where he was about to go. He was already a mujahideen walking around." DELEON said that

meeting KABIR was like meeting somebody from Al-Awlaqi or Bin Laden's camp who was "walking in LA." SANTANA said that he swore KABIR had been a mujahid his whole life and "came out here to recruit brothers and left." DELEON said that KABIR did not invite everyone who accepted dawa (appearing to refer to KABIR's invitation to DELEON and SANTANA to join him in jihad).

b. SANTANA said that, growing up, he was easily influenced by people, that he wanted to fit into a certain group and to fight for the right reason, and that was why he was around gangs. SANTANA said that he would hear KABIR talk and then "accepted Islam without knowing anything about it besides it being the truth." SANTANA said he believed this (Islam) was where he was going to be able to "fit in and actually be able to fight for something that's right." SANTANA said that in his old life, he always looked for violence.

c. DELEON said KABIR did not speak to him about jihad at first but then told DELEON about his desire to go overseas. KABIR started talking about Al-Awlaqi and his point of view and how Al-Awlaqi was the only person he would listen to. When KABIR said that he was going to leave, DELEON told KABIR he was going to go with him. KABIR was going to wait for DELEON to get his citizenship, but then left without saying

anything. DELEON said he (DELEON) is "not waiting for anything anymore."

d. SANTANA said DELEON met KABIR first and that SANTANA was introduced to KABIR by a mutual friend. After talking, smoking, and listening to music, KABIR played an audio recording of Al-Awlaqi lectures entitled "The Journey of Soul" and "Faces of the Grave - The Day of Judgment." SANTANA said that it "shook him." SANTANA said he realized through KABIR that his idea of joining the U.S. military was wrong. SANTANA said he came to Islam through fisabilillah. SANTANA explained that with KABIR, "everything looks so good the way he explains it."

e. The CS asked SANTANA and DELEON if they were using this (jihad fisabilillah) as an escape from problems at home. DELEON said it was not an escape. SANTANA said that he had nothing here to stand for and so this was a reason for him to leave things behind. DELEON said he was comfortable before he became a Muslim and that his temporary pleasures would lead to hell fire. SANTANA said that it is best if he makes hijrah and abandons everything here, adding that he felt it was pointless to keep and hold on to what he has here.

71. On September 20, 2012, the CS asked SANTANA about how it would feel to take an "American, British, Jew, ok, a wack

Muslim, ok, just aim, and take him out?" SANTANA said he "had no problem before taking a life, I don't know why I would have a problem now. Before it was like it was just like a game to me. It's either you either kill or be killed" SANTANA added that he had no "problem sending a soul to its creator. . . . if they choose to disbelieve and fight against, then that's their decision Someone has to do it." The CS asked SANTANA what if an American soldier had a wife and kids. SANTANA affirmed it would not matter and that he would not hesitate. When describing his personal picture of fighting in jihad, SANTANA said "It's gonna feel good, insha'Allah." The CS asked SANTANA what if, in the moment, a soldier laid down his gun and wanted to leave the battlefield and go home. SANTANA said it depended on what the sharia says. He then said that he (the soldier) would need to accept Islam or accept the sword. SANTANA would tell the soldier to pick up his weapon and fight and "Either me or you are gonna walk out of here alive."

DEFENDANTS GO TO A PAINTBALL FACILITY

72. On Saturday, September 23, 2012, DELEON, SANTANA, GOJALI, the CS, and others went to a paintball facility in Corona, California. This was the second paintball trip for DELEON and the first for SANTANA and the CS. The CS reported that SANTANA and DELEON selected and rented paintball guns that

resembled assault rifles. SANTANA told the CS that he chose that type of weapon so that he could get used to the weight. DELEON told the CS that his niyyah (Arabic word referring to the Islamic concept of intending to do an act for the sake God) for the day should be preparation, which the CS understood to mean preparation for jihad. During a break, the CS commented that opposing teams were holding back and waiting while they were rushing. In response, GOJALI said "[T]rying to get shaheed" (appearing to refer to heavenly rewards obtained via a martyrdom operation).

73. On September 24, 2012, the CS met with SANTANA and DELEON.

a. According to the CS, outside of DELEON's presence, SANTANA said that he had researched ways to travel overseas without arousing suspicion, including wearing Western-style clothing; being clean-cut and closely shaven; carrying sports magazines and nice cologne in luggage; and having nothing on their person or in their luggage identifying them as a Muslim.

b. DELEON joined SANTANA and the CS and told them that he had asked his father for his passport and green card. DELEON said he told his father that he had an opportunity to take part in a student exchange program. DELEON learned that

his passport had expired and later asked the CS to accompany him to the Philippines Consulate in Los Angeles to renew it.

c. DELEON and SANTANA told the CS that they recently deleted everything associated with Islam from their Facebook pages. According to the CS, they also changed their names to reflect their given names. They said they had done this to keep a low profile in anticipation of their trip overseas.

(Investigators have reviewed the Facebook pages of DELEON and SANTANA and observed that, although SANTANA's Facebook page formerly included postings of radical Islamist content and pictures of SANTANA in wearing traditional Muslim attire, the page had been altered to delete all references to Islam and to display a picture of SANTANA posing with family members while wearing western-style clothing. Investigators observed that DELEON's Facebook page had been altered to remove postings of radical Islamic content and to reflect his given name rather than his former vanity names "rafiqabdulraheem" and "Ya Seen.")

d. DELEON told the CS that he and SANTANA had devised a cover story for their travel. They planned to tell people they were going to Dubai to work in the cologne import/export business. SANTANA had previous experience selling cologne and DELEON had studied marketing. DELEON suggested that

they wear suits and ties when they travel. They told the CS he could play the role of an investor in their business.

DELEON RECRUITS GOJALI TO JOIN THE PLOT

74. On September 30, 2012, DELEON telephoned the CS and advised that the CS needed to pick up GOJALI and they all would go to the "swap meet." The CS picked up GOJALI. On the drive to meet DELEON and SANTANA, GOJALI said that he had been informed of their trip and indicated that he intended to go with them. GOJALI said he was aware of the code words, such as "swap meet," "students," and "professors." The CS told GOJALI they were going to war and to kill people and asked GOJALI "do you have it in you, fighting for fisabilallah, killing?" GOJALI replied, "Yeah, of course." GOJALI explained to the CS "you know I watch videos on the Internet and I see what they are doing to our brothers and sisters, Walahi man, like it makes me cry and it gets like, I'm like so angered with them you know and it gets me even more mad that I'm here you know, we are paying what taxes for them so they can build arms and weapons to go train their soldiers and go through our country and do that to our brothers and sisters you know."

75. The CS and GOJALI arrived and met with SANTANA and DELEON at an apartment and all four men participated in a Skype

video call with KABIR, which was recorded. During the call, the following exchanges occurred:

a. After general greetings, DELEON informed KABIR that the group intended to travel to Afghanistan in early November. KABIR informed the group that there were complications in making arrangements for them because they were coming from the United States. KABIR said that he would continue to work on making other connections for the group. Later during the call, DELEON informed KABIR that GOJALI, who was present during the call, had joined the group. KABIR said that was "good to hear."

b. KABIR then told the men to work on their physical fitness and suggested they grow out their facial hair. DELEON said that he had just shaved and thought it would be safer to be clean-shaven so it would not appear that they are "sunnah" (Arabic word referring to followers in the path of Muhammad). DELEON also told KABIR that he planned to sell his car (presumably to raise money for the trip).

DEFENDANTS GO TO A SHOOTING RANGE A THIRD TIME

76. After the Skype call, SANTANA, DELEON, GOJALI, and the CS traveled to a shooting range in Los Angeles. While en route, DELEON confirmed their planned date to depart was November 15,

2012. GOJALI told the men he needed to get a U.S. passport and he and DELEON discussed arrangements for GOJALI to do so.

77. At the gun range, SANTANA and DELEON selected an AK-47-style rifle and an M16-style rifle to shoot and the four men proceeded to take turns firing the weapons. The men then departed the range and drove to dinner. DELEON explained to GOJALI that he was the emir of the group and that KABIR would become their emir once they joined him.

DEFENDANTS PREPARE FOR THEIR DEPARTURE

78. On October 3, 2012, DELEON, SANTANA, and the CS met and discussed their travel plans. DELEON told the CS he had exchanged messages with KABIR and that KABIR was still working to establish their connection to a jihadi group in Afghanistan. KABIR told DELEON that if their connections in Afghanistan did not materialize, they would meet in Saudi Arabia and cross into Yemen to join Al-Qa'ida. DELEON said their primary plan was Afghanistan and their secondary plan was Yemen.

79. On October 8, 2012, DELEON told the CS about a recent on-line conversation he had with KABIR. DELEON said that KABIR told them to not buy their plane tickets yet because he was working with one of his connections and had good news. DELEON said that KABIR was waiting on that connection to provide directions regarding the preferred travel route. DELEON told

the CS that GOJALI was still in on the plan. The CS asked DELEON about GOJALI's and SANTANA's financing of the trip. DELEON said that GOJALI planned to receive some unpaid wages from a previous job and that DELEON was going to talk with SANTANA about getting a job.

80. On October 9, 2012, DELEON spoke to KABIR in a recorded conversation, which I have reviewed. During the conversation, KABIR told DELEON to check the area for "bugs," (meaning audio listening device); DELEON advised that he already had done so. Later in the conversation, KABIR told DELEON that he was "talking to the heads (possibly referring to terrorist leaders) to see if they will take all of us."

81. On October 10, 2012, DELEON, GOJALI, and the CS met. GOJALI told the CS he was still waiting for his unpaid wages; DELEON encouraged GOJALI to follow up on the matter. DELEON said there was a job offer for both GOJALI and SANTANA. GOJALI said he was interested in the job as it would provide needed money for their trip. DELEON told the CS that he had a recent Skype session with KABIR. KABIR told DELEON that once they arrived in Afghanistan, they would not have to worry about finding a place to stay. DELEON added that KABIR was continuing to prepare for fisabilillah. DELEON said that KABIR discussed the potential of the men meeting in Saudi Arabia for umrah

(understood here to refer to a religious pilgrimage to Mecca) and that they should go after Hajj and then continue on to Afghanistan. KABIR also asked DELEON to have the CS send money for "the orphans." When the CS asked DELEON to clarify what he meant, DELEON told the CS that the money was for the student orphans, which the CS understood to mean mujahideen fighters. (As described above, KABIR, DELEON, and SANTANA have previously used the code word "students" to refer to the Taliban.)

82. On October 11, 2012, the CS met DELEON in Chino, California, and the two discussed a Skype conversation between DELEON, SANTANA, and KABIR on October 11, 2012. According to DELEON, KABIR told DELEON that meeting in Saudi Arabia was no longer an option; KABIR had learned there were no visas being issued by the Saudi government due to the Hajj. KABIR suggested that SANTANA, GOJALI, and the CS could travel to Afghanistan any time after October 25, 2012, and that DELEON could then join them after receiving his passport on November 8, 2012. KABIR told DELEON that his connection in Afghanistan was continuing to pan out. DELEON told the CS it was a good idea to send money to KABIR before they travel in order to ingratiate themselves with the mujahideen. DELEON added that he planned to send some of his own money and intended to sell his car and pass some of the proceeds to KABIR.

83. I have reviewed a recording of an October 11, 2012, conversation about travel plans between DELEON, SANTANA, and KABIR. Regarding his passport, DELEON said "As soon as I get it [referring to the passport], that's it man." KABIR replied "Insha'Allah." KABIR later asked "Why don't you guys send Miguel [SANTANA] ahead of time?" SANTANA agreed and advised he would be willing to leave early.

84. On October 17, 2012, the CS met SANTANA and the two drove to meet DELEON. SANTANA told the CS that he had been in contact with KABIR and that KABIR was just waiting for the group to arrive. SANTANA and the CS picked up DELEON and the three went to get dinner. Afterward, the three discussed their upcoming trip. DELEON said that he planned to sell his car to get money for their trip. When SANTANA asked about GOJALI's passport, DELEON said that he and GOJALI planned to go to the post office the following week to get GOJALI's passport and that they would pay extra to expedite it. DELEON told the CS that he would send money from the CS and some of his own money to KABIR the following week.

85. I reviewed a recording of a conversation about travel plans between KABIR and DELEON on October 17, 2012. The men had previously discussed meeting in a third country and traveling together to Afghanistan. KABIR told DELEON "Don't meet up in

England, man. That's the worst place to be. . . . they just extradited like four people out of U.K. to the U.S." Later in the conversation, DELEON said "I think the best thing is um we go to Dubai, then from Dubai we go to Kabul. You pick us up. Then from there we follow you. We'll give you the emir for the group until we actually find the caravan, ya know?" KABIR replied, "Yeah. Insha'Allah." (DELEON's use of the word "caravan" appeared to refer to joining a terrorist group.) DELEON told KABIR that the group planned to leave the United States via Mexico. KABIR advised DELEON they needed to purchase round trip tickets and told DELEON they needed to reserve their tickets now.

86. On October 17, 2012, DELEON listed his car for sale on the website Craigslist. The listing included the note "Getting rid of it because I'm leaving the country (A.S.A.P) Need money fast." The ad listed (XXX) XXX-2068 as a contact phone number. During a meeting on February 16, 2012, DELEON provided the CS the same telephone number as his (DELEON's) contact number. The same telephone number was also found by CBP on a piece of paper in SANTANA's possession when he entered the United States on January 13, 2012.

87. I reviewed a recording of a conversation about travel plans between KABIR and SANTANA on October 20, 2012. KABIR told

SANTANA that the men needed to obtain their visas and that he (KABIR) met a person who has "connects" to "AQ" in Pakistan. When SANTANA advised him to not speak so openly about their plans, KABIR said they were just talking about the "orphans." KABIR told SANTANA he will know in a week what the plan will be.

88. I reviewed a recording of a conversation between DELEON and KABIR on October 22, 2012, in which the two men discussed meeting in Dubai and sneaking into Afghanistan. KABIR told DELEON he did not have contacts to help them do that "yet."

89. On October 27, 2012, the CS told agents that DELEON said that he sent money to KABIR via Western Union. Western Union records, which I have reviewed, show that DELEON wired \$200 from Ontario, California, to KABIR in Kabul, Afghanistan.

90. On October 31, 2012, the CS met with DELEON and GOJALI. During the meeting, GOJALI said that DELEON had convinced him it was fitna (Arabic for sin or temptation) to continue to live with his girlfriend. GOJALI said that, in preparation for fisabilillah, he wanted to fill his heart with iman (Arabic for faith). GOJALI said he moved out and is no longer living with his girlfriend. DELEON told the CS that KABIR had received the money DELEON sent. DELEON also said KABIR had a house in Kabul for the men and had solidified his (KABIR's) connection. DELEON and GOJALI discussed obtaining

their passports, including the need to obtain GOJALI's United States passport from the federal building in Los Angeles.

DELEON also told the CS that an associate who recently traveled from Los Angeles to Pakistan would send them wedding invitations to use as a cover for their travels.

91. On November 1, 2012, DELEON spoke with KABIR in a recorded conversation. KABIR informed DELEON that he was going on a "mission" and that he had already taken care of everything for them to arrive, including arranging for an associate who will be "waiting for you guys already. I got, I got the pad, and everything ready." DELEON expressed concern that KABIR intended to leave before the group arrived. DELEON told KABIR he was just waiting for his passport to come on November 8th. KABIR assured DELEON that the men he (KABIR) was supposed to meet with for the mission "know everything, they know you guys are coming down, and everything." KABIR confirmed that there are four men traveling to Kabul (DELEON, SANTANA, GOJALI, and the CS). When KABIR told DELEON that they should buy their tickets "now," DELEON responded that he would in the next two to three days.

92. On November 2, 2012, the CS met with DELEON, SANTANA, and GOJALI in Chino, California. During the meeting, which was recorded, DELEON told the CS that he spoke to KABIR. DELEON

relayed that KABIR had established a residence in Kabul for the men once they arrive. DELEON said that KABIR was going to go on a "mission" arranged by his connection and KABIR provided contact information for an associate (in Kabul) in the event that KABIR did not return from the mission.

93. On November 2, 2012, KABIR spoke with DELEON in a recorded conversation. KABIR told DELEON he did not go on the mission because of "you guys" (likely referring to DELEON's earlier plea to KABIR to wait for them). During the conversation, DELEON told KABIR:

Ok, check this out. Everything is set. We already made shura and everything is set. We are getting our tickets inshahallah this week and everything is good. We have no problem getting into Dubai, that's it. And to get into A-F-G, we already figured out the perfect story.

DELEON then discussed how the men would use the cover story they are traveling to Afghanistan to attend KABIR's fictional wedding in Kabul. KABIR told DELEON that upon their arrival, the men could have to wait in Kabul for several months and that "it took me [KABIR] like two months, man, for them to even take me" (appearing to refer to being accepted by a jihadi group). KABIR told DELEON that he recently identified an individual in Afghanistan who works with the government in Dubai who might be able to assist them with obtaining visas. KABIR instructed DELEON to have everyone pack winter attire. KABIR also asked

DELEON to retrieve KABIR's "military gear, my uniforms" and put them in his (DELEON's) luggage. At the conclusion of the conversation with KABIR, GOJALI said to DELEON, "The shit just got real, son." DELEON informed the CS of his conversation with KABIR on November 4 and 5, 2012.

94. On November 4, 2012, the CS spoke with DELEON by telephone. DELEON informed the CS that KABIR did not go on his mission and that he (KABIR) would wait for the group to arrive and that they would all leave for the mission together. KABIR also told DELEON that traveling to Dubai to meet the group was a security risk for him (KABIR).

95. On November 5, 2012, the CS met with SANTANA, DELEON, and GOJALI. During the meeting, SANTANA said he had a dream that he was sniping someone last night. The men discussed what items to pack and DELEON advised they were to bring thermal underwear, an xbox, sports magazines, and durable shoes; DELEON said they should not bring boots as that could draw attention to them. The CS reported that, on the night of November 3, 2012, DELEON, SANTANA, and GOJALI asked an associate to drive them to Mexico when they leave. The associate agreed to do so. DELEON informed the CS that they were going to obtain tickets to Afghanistan via Dubai and would likely go to a travel agency on November 8, 2012. In the CS's presence, SANTANA researched the

tickets from Mexico City to Afghanistan via Dubai and learned that the cost for travel on November 13 or November 14 was approximately \$3900.00 per person. When asked how each person planned to contribute for the trip, SANTANA stated he was going to ask a relative for money and sell some property before leaving; GOJALI said he would ask a family member as well; and DELEON said the worst case scenario would be he could take his car to Carmax to sell.

96. On November 6, 2012, SANTANA spoke with the CS by phone and stated that he (SANTANA) spoke with KABIR recently. According to SANTANA, KABIR said that "the brothers" were asking when the group was going to arrive. KABIR advised SANTANA that he wanted the men to leave on Thursday, November 8, 2012, so that they could arrive in Kabul on Friday, November 9, 2012, to leave with him (presumably on his mission).

97. On November 7, 2012, the CS spoke with DELEON via telephone. DELEON, who was accompanied by GOJALI, told the CS that he talked with KABIR on November 6, 2012, and KABIR told DELEON he might be going on a "mission" in the next several days. DELEON said if KABIR goes on the mission, it will be a "one-way trip." DELEON then asked the CS if he understood what he meant. The CS reported to the FBI that the reference meant KABIR might be going on a suicide mission. DELEON made plans

with the CS to travel with the other men to get DELEON's and GOJALI's passports on November 8, 2012.

DELEON GETS HIS PASSPORT AND SEARCHES ON-LINE FOR FLIGHTS

98. On November 8, 2012, the CS picked up SANTANA and then drove to meet with DELEON and GOJALI. While en route, SANTANA told the CS that he recently spoke with KABIR, who said he was going on a mission. The CS told SANTANA that the CS previously spoke with DELEON and asked what SANTANA believed about the reference to the "one-way trip." According to the CS, SANTANA replied "boom."

99. SANTANA and the CS then picked up DELEON and GOJALI and the following occurred:

a. DELEON told the men that he spoke with KABIR the previous night and that KABIR did not go on his scheduled mission because he was sick. KABIR told DELEON that the mission was a suicide bombing operation involving C4 explosives. DELEON said KABIR planned to wait for the rest of the group to arrive before going on another mission. DELEON said KABIR's willingness to go on a suicide mission increased the Afghans' trust in KABIR and the rest of the group.

b. DELEON said that KABIR planned to fax four wedding invitations to KABIR's family home for the group to use. The invitations would be fictional and were to be addressed to

the four men. The group planned to present the invitations upon arrival in Kabul to explain their presence there. DELEON advised that he intended to pick up the invitations from KABIR's relative.

c. SANTANA, DELEON, GOJALI, and the CS drove to the Philippines Consulate in Los Angeles, where DELEON picked up his passport and showed it to the CS when he returned to the car. DELEON then instructed the men to travel to the Afghan Consulate in Santa Monica. Upon arriving at the consulate, DELEON told SANTANA to make an inquiry with the consulate about getting visas to Afghanistan for a wedding. SANTANA tried to enter the consulate but returned and advised the men that the consulate was closed.

d. The men then traveled to the Federal Building in Los Angeles and GOJALI went inside. He returned a short while later with a U.S. passport application. GOJALI said he was told that he could only get his passport the same day if he had airline tickets and it was an emergency.

e. DELEON told the men they had three options for departure: 1) depart for Mexico City as soon as GOJALI got his passport and arrange for their visas there; 2) depart for Mexico City and fly to a Muslim country where they would arrange to get their Afghani visas; or 3) secure their visas in the U.S., which

would delay their departure by one or two days. DELEON told the men the group would depart the United States on Wednesday or Thursday (November 14th or 15th).

f. DELEON said that he had a buyer for his car and planned to sell it on Monday, November 12, 2012. The men discussed going to the shooting range on that Monday as well. DELEON said he would pay for the range since he will have sold his car.

g. DELEON and SANTANA spent time calling three travel agencies to inquire about tickets for their departure. SANTANA called a travel agency and DELEON spoke on the phone with the agent. DELEON advised the quoted individual ticket price was \$1,500 for a round trip ticket from Mexico City to Istanbul, Turkey, departing on November 14th or 15th.

100. On November 13, 2012, the CS met with DELEON, SANTANA, and GOJALI at an apartment in Chino.

a. At the apartment, DELEON used a laptop computer to search on-line for flight options from Mexico City to Dubai, which the men discussed. DELEON asked the CS to buy tickets for the CS and for GOJALI, while he would buy tickets for himself and SANTANA. The CS agreed. DELEON suggested they buy GOJALI's ticket first so they could get an itinerary to use to acquire GOJALI's passport. While at the apartment, GOJALI finished

filling out his passport application, which he brought with him when the group left the apartment and drove to DELEON's residence.

b. At the residence, DELEON used a computer located in the living room to conduct Internet research. DELEON found a round-trip ticket on United Airlines departing Mexico City on Sunday, November 18, 2012, to Dubai, UAE (through Washington DC and Frankfurt, Germany). The CS reported that the cost of that ticket, according to DELEON's Internet research, was approximately \$1,350. When SANTANA expressed concern about the itinerary because it included a stop inside the United States, DELEON said it would not be a problem. After finding that itinerary, DELEON asked the CS for \$1,400 to purchase the ticket for GOJALI. The CS agreed and gave DELEON \$1,400 in cash.

c. The CS and DELEON then drove to a Wells Fargo Bank. DELEON went inside the bank and upon returning advised the CS that he had deposited the money into his bank account. The men returned to DELEON's house and DELEON accessed a website using the same computer as before and again searched for flights from Mexico to the UAE. DELEON found an itinerary that did not include a stop in the United States. Using the Internet, DELEON entered GOJALI's name and identifying information and bought a ticket using DELEON's debit card. The CS observed that the

itinerary indicated a departure from Mexico City on Sunday, November 18, 2012, with a final destination of Dubai, UAE (stopping in Frankfurt, Germany). After purchasing the ticket, DELEON said he would tell Individual A to pick them up Thursday morning to depart for Mexico. DELEON printed the itinerary and the men departed for the federal building in Los Angeles to get GOJALI's passport.

d. As the group departed, DELEON saw a mail carrier and told the CS to stop the car. DELEON said he was expecting to receive something from KABIR and got out of the car to wait for the mail. He checked the mail and returned to the car. When the CS asked what he was waiting for, DELEON responded that KABIR was going to send wedding invitations to DELEON's house but they had not yet arrived.

e. The men arrived at the federal building, parked, and walked toward the building. As they did so, DELEON searched the Internet using his phone and said GOJALI's expedited passport would likely cost \$198. While the CS and SANTANA waited outside, GOJALI entered the building (presumably to apply for his passport). At one point, DELEON asked the CS for \$100, which the CS gave to DELEON. DELEON then walked inside the building (presumably to help GOJALI pay the passport fee).

f. GOJALI and DELEON walked out of the building several minutes later and reported that GOJALI's passport would be ready between 1:00 p.m. and 3:00 p.m. the following day (Wednesday, November 14th). SANTANA said that they will know if everything is okay tomorrow if GOJALI gets his passport without any problems. SANTANA said if there is some problem in issuing GOJALI's passport, that would mean that something is wrong (implying government involvement/interdiction). SANTANA said KABIR had such a problem when he got his passport.

g. During the day, DELEON exchanged text messages and phone calls with two individuals in an unsuccessful effort to sell his car.

h. Later in the day, after dinner, DELEON said he would apprise Individual A of their current situation. The CS understood that they still planned to depart for Mexico on Thursday, November 15, 2012. DELEON told the CS to be at the apartment tomorrow (Wednesday, November 14th) by noon so they could go to Los Angeles to pick up GOJALI's passport.

i. Later, SANTANA told the CS that he planned to talk to his brother and sister and explain to them that he was leaving and might never return. SANTANA said he will tell them to behave in his absence.

101. On Tuesday, November 13, 2012, the FBI interviewed an employee of the U.S. passport office in Los Angeles, whom the FBI had observed assisting GOJALI and DELEON. The employee was shown an application for a U.S. Passport, along with several pieces of accompanying documentation. The employee recognized the application and supporting documentation and identified GOJALI from his passport photo as the person who submitted the application. The employee said a young male accompanied GOJALI and paid GOJALI's application fee. According to the employee, GOJALI claimed that the purpose for his travel was to go to Dubai via Mexico for his grandfather's funeral.

GOJALI GETS HIS PASSPORT

102. On Wednesday, November 14, 2012, the CS met with DELEON, SANTANA and GOJALI and the group prepared to travel to the federal building in Los Angeles to pick up GOJALI's passport. The group traveled to the federal building, where, at approximately 1:30 p.m., GOJALI picked up his U.S. passport. According to the CS, GOJALI expressed surprise that he was issued a passport and said words to the effect of "if they only knew." The CS also reported that the group continued to make preparations for their overseas departure, that DELEON sold his car for \$4,000 later that evening, and that DELEON deposited the money plus an additional sum that DELEON asked the CS to give

him in order to cover the cost of plane tickets. According to the CS, the group decided that Individual A would drive the men to Mexico at 3:00 p.m. on November 15, 2012. Later, DELEON advised the group that this plan had changed to a 1:00 p.m. expected departure time.

103. The CS reported that, later in the evening on November 14th, the group had a Skype call with KABIR and DELEON told KABIR that they were departing from Mexico City on November 18th. KABIR told DELEON he would e-mail DELEON notarized wedding invitations for their use when they arrived in Afghanistan. DELEON told Kabir to send him a message referencing the Lakers after KABIR sent the e-mail and that he (DELEON) would know what that means. KABIR asked the men to bring him socks and cold medicine.

104. The CS reported that after the Skype call with KABIR, DELEON attempted to purchase tickets for DELEON, SANTANA and the CS, but that DELEON was unsuccessful. DELEON surmised that the money he deposited from the sale of his car at the ATM had not yet arrived in his account. DELEON planned to try again later that night to purchase tickets.

DELEON PURCHASES AIRLINE TICKETS

105. On November 15, 2012, the CS spoke to agents by telephone about recent events with DELEON, SANTANA and GOJALI.

I have spoken to these agents and learned that the CS reported to them the following:

a. DELEON told the CS that SANTANA spoke to KABIR recently. KABIR informed SANTANA that if the group traveled from Dubai to Kabul, the CIA would be looking for them. DELEON suggested that the group change their travel plans.

b. Later that day, the CS met with DELEON and GOJALI. At one point during the meeting, GOJALI provided \$210 to DELEON as his contribution for the trip. DELEON then tried to purchase tickets on-line, but was unsuccessful due to a problem with his debit card. The CS asked DELEON if it would help if DELEON withdrew money from DELEON's account. DELEON suggested withdrawing the money from his bank account and depositing it into the CS's bank account so the CS could use his debit card to make the purchase. DELEON withdrew cash from his bank account and provided the money to the CS; the CS then deposited the money into his bank account.

c. Using the CS's debit card, DELEON then used a computer to purchase four tickets for the CS, DELEON, SANTANA, and GOJALI to fly from Mexico City to Istanbul, Turkey, on November 18, 2012.

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CONCLUSION

106. Based on the foregoing, there is probable cause to believe that KABIR, DELEON, SANTANA, and GOJALI have violated Title 18, United States Code, Section 2339A.

/s/

N. T. ELIAS
Special Agent, FBI

Subscribed and sworn to before
me on November 16, 2012.

SHERI PYM

THE HONORABLE SHERI PYM
UNITED STATES MAGISTRATE JUDGE